

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**PRASAD DNYANOBA REWANWAR,**  
**Petitioner,**

**v.**

**Case No. 12-CV-00354**

**WAUKESHA COUNTY CIRCUIT COURT,**  
**et al.,**  
**Respondent.**

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**DECISION AND ORDER**

Pro se petitioner Prasad Rewanwar filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, and I denied it finding that petitioner is not entitled to habeas relief because he is not “in custody pursuant to the judgment of a State court.” See 28 U.S.C. § 2254(a). Petitioner admits that he is not challenging his own confinement. Instead, he is attempting to use § 2254 to challenge a ruling by the Waukesha County Circuit Court denying him custody of his children. This is not an appropriate use of this statute. Before me now is a new motion by petitioner requesting an order returning custody of his children to him. I construe this as a motion for reconsideration under Fed. R. Civ. P. 59(e).

I may grant a motion for reconsideration if there is newly discovered evidence or to correct a manifest error of law or fact. *Moro v. Shell Oil Co.*, 91 F.3d 872, 876 (7th Cir. 1996). Since petitioner has not presented any new evidence and has not identified any errors in my earlier ruling, I will deny his motion.

I will also deny petitioner's motion to enlarge the record on appeal by adding all of the documents he filed in *Rewanwar, et al. v. Wisconsin Supreme Court, et al.*, Case No. 12-CV-00223 (E.D. Wis. 2012). Petitioner had the opportunity to file any documents he wished in support of his petition, and he has not offered any explanation for why the record now needs to be enlarged.

Pursuant to Rule 11 of the Rules Governing § 2254 Cases, I must also decide whether to issue a certificate of appealability ("COA"). In order to obtain a COA, petitioner must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). I find that petitioner has not made the required showing.

**THEREFORE, IT IS ORDERED** that petitioner's motion for reconsideration [DOCKET #9] is **DENIED**.

**IT IS FURTHER ORDERED** that petitioner's motion to enlarge the record on appeal [DOCKET #15] is **DENIED**.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

Dated at Milwaukee, Wisconsin, this 29th day of October 2012.

s/ Lynn Adelman

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LYNN ADELMAN  
District Judge